

U.S. Patent Application Serial No. 10/785,555
Response dated September 1, 2005

REMARKS

A summary of the status of the claims in the present response is presented below.

Claims 2, 4-13, 16-20 are originally presented claims.

Claims 1, 3, 14, and 15 have been previously amended.

Claims 1 (as amended), 2, 3 (as amended), 4-13, 14 and 15 (as amended), and 16-20 are thus currently pending in this Application.

The Examiner has stated that the declaration under 37 C.F.R. § 1.131 submitted by Applicant is ineffective to overcome the Park reference since the Examiner has interpreted that "February 15, 2003" as the date of the "Finish Project". The Examiner has misinterpreted Applicant's declaration and evidence. Applicant's declaration states that "I submit that at least as early as January 11, 2003, the invention was conceived by me and my joint inventor". The January 11, 2003 date of Applicants' invention is prior to the January 15, 2003 priority date of Park. The Examiner has misinterpreted the Applicants' evidence attached to the Declaration. Applicant's calendar entry that states on February 15, 2003 "Finish Project" is in reference to the guidelines of submitting a completed science fair "Project" in accordance with the Norwin School District criteria that is used by the school district for judging an "INVENTION PROJECT". The February 15, 2003 date has no bearing on Applicants' conception of the invention that is prior to the Park reference. Applicants attach a copy of the Norwin School District guidelines which show all of the multitude of tasks that a student must complete in the successful submission of an "INVENTION PROJECT". Such tasks include a detailed notebook, model, and three sided panel display project board. The attached Norwin School District Discovery Fair Judging Form sets forth the point categories for judging each aspect of the "INVENTION PROJECT". The Applicants Declaration that establishes the conception of the invention claimed in the above-captioned Application is prior to the effective date of U.S. Patent Application Publication No. US 2004/0195227 (Park). The Park reference is not relevant and is rendered moot.

Applicants respectfully submit that for the above reasons that the pending claims are in condition for allowance and such action is courteously requested at an early date.

U.S. Patent Application Serial No. 10/785,555
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Claim Rejection - 35 U.S.C. § 103(a)

Claims 1-5 and 7-20 were rejected under 35 U.S.C. 103(a) for allegedly being unpatentable over U.S. Patent Application Publication No. US 2004/0195227 (Park) in view of US Patent No. 5516189 (Ligeras). Applicants' above remarks are equally applicable at the present juncture. Applicants previously supplied Declaration establishes the date of conception of the invention claimed in this Application on or before January 11, 2003. January 11, 2003 is a date that is prior to the effective date of the Park reference. Thus, the rejection based upon Park is moot.

Claim 6 was rejected under 35 U.S.C.103 (a) as allegedly being unpatentable over U.S. Patent Application Publication No. US 2004/0195227 in view of Ligeras as applied to Claims 1-5 and 7-20 and further in view of Goldston (US Patent No. 5303485). The previously supplied Declaration of Applicant and remarks with regard to Park set forth hereinabove are equally applicable at this juncture. Thus, the rejection based upon Park is moot.

Applicants respectfully submit that the cited references do not teach or suggest the present invention, and that the subject matter of the claimed invention would not have been obvious to one having ordinary skill in the art.

For the above reasons, Applicants courteously request that the rejections under 35 U.S.C. § 103(a) be withdrawn and that all pending claims be allowed at an early date.

OTHER ART OF RECORD AND NOT RELIED UPON BY EXAMINER

Applicants submit that the other art made of record and not relied upon by the Examiner is not more pertinent than the art relied upon by the Examiner.

U.S. Patent Application Serial No. 10/785,555
Response dated September 1, 2005

CONCLUSION

It is respectfully submitted that Applicants' pending claims 1-20 illustrate a patentable patient activated temperature-controlled surface, animal bed, and method of providing comfort to a patient employing the patient activated temperature-controlled surface that are not taught or suggested by any of the art of record. Applicants respectfully submit that the previously supplied Declaration, and remarks set forth in this paper place this Application in a condition for allowance and such action is respectfully requested at an early date.

U.S. Patent Application Serial No. 10/785,555
Response dated September 1, 2005

AUTHORIZATION

Applicants believe that no further government fees are due for this Response.

The Commissioner is hereby authorized to charge any necessary additional fees associated with this paper to Deposit Account No. 02-4553. A duplicate copy of this Response is enclosed for deposit account purposes.

Respectfully submitted,

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Projects may be entered in the following categories:

EXPERIMENTAL PROJECTS: this type of project investigates a question.

EXAMPLE: 1. How does light affect plants?
2. Why do we wash our hands before we eat?
3. How strong is a spider web in warm temperatures compared to cold temperatures?

NON-EXPERIMENTAL PROJECTS: this type of project includes models or collections that show a process or give information about the model or collection.

EXAMPLE: 1. What lives in a cup of water?
2. How does a camera work?
3. Rock, seashell, or other collection.

INVENTION PROJECTS: this type of project includes items you invent that will benefit society and also be good for the environment

EXAMPLE: 1. a model of an invention
2. a detailed drawing with a background report.

NON-JUDGED PROJECTS: Non-Judged projects have not followed the project rules and will not be judged for category winnings or eligible to participate in District Wide Science Fairs. Projects in this category explore science or math areas. Remember, it's still lots of fun to do a science project even if you do not want to compete.

HINTS FOR DEVELOPING A SUCCESSFUL PROJECT

These are *suggestions* for a good project and are *not* rules.

Do a science project, not a book report or an experiment out of your textbook. Projects that merely relate information copied from a book are not science projects and do not belong in the expo. Originality, a well-researched question, and a neat, thorough, organized exhibit are keys to a successful project.

Choose a specific problem that you are capable of investigating thoroughly. Choose a problem that will challenge your imagination and ability; but, do not choose a subject that you cannot explore properly. Make sure your project answers a question.

Think of an original hypothesis or guess at the solution to your problem. Your topic should be one that really interests you and you find exciting.

Do experiments that you are able to do and keep very careful, well organized notes on each phase. The notes do not have to be erasure or error free; but they should show that you have been following the scientific method, observed carefully, and thought about the data you collected.

Think about what happened in your experiments. Try to compile your information or data into a table or graphs or make photographs of the changes.

Make sure your conclusion matches the information you have collected. A conclusion is the final step and the reason you did the project. Make sure you tell why you think the information leads to a particular conclusion.

Make sure your project answers a very specific question. You will learn more by doing a lot of work on one topic than by doing the same amount of work on a lot of topics.

HINTS FOR DEVELOPING A SUCCESSFUL PROJECT (CONTINUED)

Write a report! It should contain the problem (question), hypothesis (guess), procedures (experiment), analysis (information saying why), and conclusion (answer). You should also include any special problems or unusual things that occurred, special help that you received, or where you found information. The report (also called an abstract) should not be long. If you have about 100 words in it, that is plenty long enough.

Find a way to display your information in a way that makes sense and is easy to understand by judges and visitors. Your exhibit is the display part of your report. Keep it neat and make sure it will fit in the 3 foot long and 1-1/2 foot wide space that you will be given at the expo.

Do the work yourself. You may get advice and directions from teachers, other kids, a scientist, a parent, or anyone who is interested in your project; but the project should be your work.

Use the judging sheet to evaluate your project. This is the same list that is used by the judges. It tells what is important and can help you to be sure you have done everything that is needed.

Be original. Do not do a project that has been done over and over. Things like a model of our solar system or a motor or a volcano are too ordinary. Projects that answer a question are usually better.

START EARLY! It always takes longer than you think to do a GOOD science fair project.

Discovery Fair Rules

PROJECT RULES:

1. Individual projects only. No group work will be accepted.
2. No purchased models, such as the human body or visible engine, will be accepted.
3. No live vertebrate animals may be used.
4. No live animals of any kind may be used at the Discovery Fair. Photographs of animals are permitted for the poster presentation.
5. All ideas and work must be done by the student. This includes writing or typing of their reports. Typing is not a factor for judging. Young students are most welcome to print their reports.

PROJECT DISPLAY RULES:

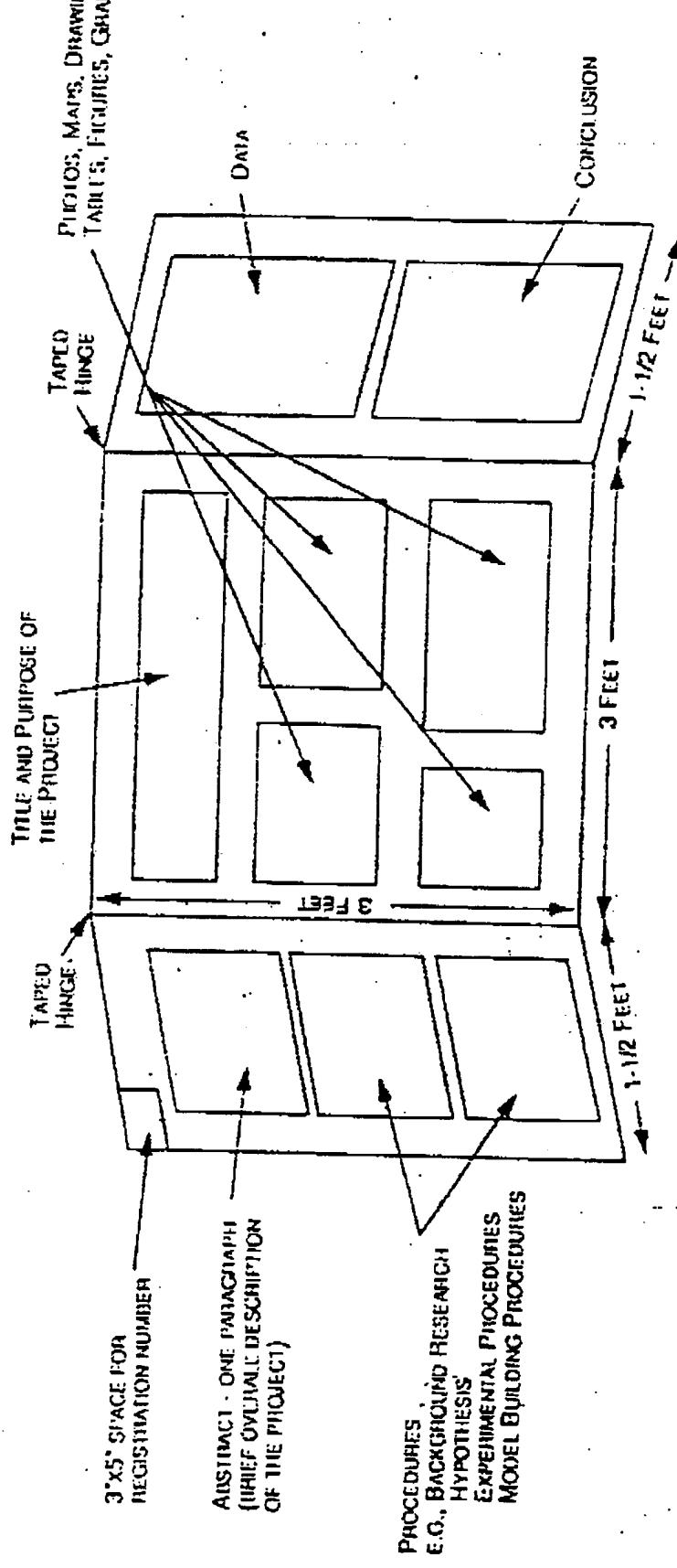
1. Projects done by students in grades 4 and 5 should consist of three (3) panels of durable free standing materials. Students in grades K - 3 may also use three panel project boards, but it is not required.
2. Dangerous chemicals and open flames are not permitted in displays.
3. Plagiarizing (copying material from another author without quotations) will disqualify entries.
4. Your name should not be visible on the front of your display. You will receive an identification number for your project when you bring your project to school. Your name should not appear on any of your reports. Also, you should not be in any photographs you display.

Discovery Fair Rules (continued)

- 5 Projects must consist of a printed / written / or typed report. A small display / model / collection may accompany the project, but it must not require any more space than an area of 2 feet by 1 foot.
- 6 Investigative reports should include, hypothesis, procedure, log notebooks, results, conclusion and a research report as part of the display.
- 7 Non experimental and invention projects should have background research reports with their projects. They will not have a hypothesis.
- 8 The outside dimensions of the display background should not exceed three feet high and six feet wide. It must be freestanding as suggested in the accompanying picture. Materials that work well include styrofoam, poster board, heavy duty cardboard and foam board. The sections of the board can be joined with duct tape (in a hinge manner).
- 9 All projects must have a bibliography or a reference list. This may follow your background research or it may be attached to your conclusions.
- 10 You may use the judging checklist to self-evaluate your project. Please remember that not all items are applicable to all types of projects.

**"ALL PARTICIPANTS WILL RECEIVE A RIBBON FOR
THEIR PROJECT"**

SUGGESTED BACKBOARD DISPLAY



* Remember No Names (Student's) on Projects

Discovery Fair Judging Form

Experimental Projects

| Experiment Study Points Criterion | Explanation | Rating |
|-----------------------------------|--|--------|
| 0-15 Log Book | A time-task recording of all steps of the study, recorded data, observations, etc. **Include an answer to the question "Why did you choose this experiment?" | _____ |
| 0-15 Background Information | History, significance, facts and procedural info | _____ |
| 0-5 Problem | The question that is being asked or the statement of purpose of the experiment | _____ |
| 0-5 Hypothesis | The expected outcome of the experiment | _____ |
| 0-5 Materials | Description of the materials used and when necessary, why they were used? | _____ |
| 0-20 Procedure | The experimental procedure; thoroughness of plan, how it will be measured, and the where, when and how | _____ |
| 0-20 Results Data | Description of findings, interpretation of findings and associated graphs, charts and documented observations | _____ |
| 0-5 Conclusions | How do the results relate to the hypothesis. What happened. Was the hypothesis right or wrong and why. | _____ |

| Display Points Criterion | Explanation | Rating |
|--------------------------|---|--------|
| 0-2 Easily Viewed | Display faces forward, materials are easily viewed | _____ |
| 0-2 Labels | Sections of study are clearly labeled | _____ |
| 0-2 Attractive | Uses color for emphasis, good arrangement, etc | _____ |
| 0-2 Text on Display | Correct spelling and grammar, clear and concise writing | _____ |
| 0-2 Creative Approach | Evidence of researcher's original input into design | _____ |

Discovery Fair Judging Form

Non-experimental and Invention Projects

| Experiment Study Points Criterion | Explanation | Rating |
|--------------------------------------|---|--------|
| ✓ 0-15 Log Book | A daily journal, a recording of all tasks and when they were done**Include an answer to the question "Why did you choose this experiment?" | _____ |
| ✗ 0-15 Background Information | Appropriate information about the model including history, importance, facts and procedures others have used. | _____ |
| ✓ 0-5 Purpose | Statement of intent to make the model and what it intends to show | _____ |
| ✗ 0-5 Hypothesis | Belief about similarity of constructed model or non-experiment to actual object or scientific theory | _____ |
| ✓ 0-5 Materials | Description of the materials used and when necessary, why they were used? | _____ |
| 0-10 Procedure | includes where, when and how the model was built, the drawing of the construction design, and the statement of scale of function | _____ |
| 0-20 Construction | Quality of the constructed model/non-experiment; includes photographs or sketches of the work in or dated log statements throughout the process | _____ |
| 0-5 Conclusions | How do the results relate to the hypothesis (support, not support, or uncertain). Link to background info, thoroughness of design, plan followed, and good building skills demonstrated | _____ |
| Display Points Criterion | Explanation | Rating |
| 0-2 Easily Viewed | Display faces forward, materials are easily viewed | _____ |
| 0-7 Labels | Sections of study are clearly labeled | _____ |
| 0-2 Attractive | Uses color for emphasis, good arrangement, etc | _____ |
| 0-4 Text on Display | Correct spelling and grammar, clear and concise writing | _____ |
| 0-5 Creative Approach | Evidence of researcher's original input into design | _____ |

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